IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

NO. 4:09-CR-007-H

UNITED STATES OF AMERICA,)	
vs.)))	ORDER
SADRACK SANTIAGO, Defendant.)))	

This matter is before the court on defendant's motion to suppress statements made by him during an interrogation which took place on September 9, 2006. Following a hearing held on August 12, 2009, Magistrate Judge David W. Daniel filed a Memorandum and Recommendation ("M&R") on August 21, 2009, with regard to the defendant's motion. On April 30, 2010, the court granted defendant's motion for an extension of time in which to file objections to the M&R [DE #91]. Defendant timely filed objections to the M&R on June 4, 2010. The government has not responded, and the time for doing so has expired. Therefore, this matter is ripe for adjudication.

Defendant, in his objections to the M&R, attempts to discredit Detective Peebles' testimony by arguing that his contemporaneous report proves that defendant's statements were involuntary and that they were induced by a promise of leniency that was not honored thereafter. However, defendant does not demonstrate that any promises of leniency were made prior to his statements. In fact, after a review of this matter, the court finds that Detective Peebles and Officer Taylor followed proper protocol in advising defendant of his Miranda rights and obtaining defendant's statement. Additionally, defendant failed to provide the requisite continued assistance that formed the basis of his agreement for leniency with law enforcement. Therefore, defendant's objections are without merit.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, the defendant's motion to suppress [DE #23] is hereby denied.

This the 27 day of June 2010.

Senior United States District Judge

At Greenville, N.C. GEB